

Amended Claim 1

In view of the Examiner's retraction of the indicated allowability of claim 1, the limitation that had been added to claim 1 in return for such allowance, namely that the combined length of the base and staff in the extended position not exceed 30 inches, has been removed from the claim as not being persuasive of patentability.

However, claim 1 has been amended to recite that the base and staff "are non-rotatably connected to one another such that the base and staff can be slid relative to one another but cannot be rotated relative to one another." In addition, claim 1 has been added to recite the lock in more detail. Namely, the lock is now recited as follows:

"a lock for releasably fixing the base and staff together in both the extended and collapsed positions of the base and staff without rotating the base and staff relative to one another, wherein the lock when engaged in the extended position of the base and staff preventing the base and staff from collapsing relative to one another during use of the singles stick and when engaged in the collapsed position of the base and staff preventing the base and staff from extending relative to one another when the singles stick is not in use."

The Examiner rejects the claims using Cheney, either singly or in view of Desmond. Cheney discloses a singles stick that is made from a plurality of separate sections that are secured together end to end using a dowel connection. While Cheney discloses that other securing methods

could be used, Cheney no where discloses that the end to end mating of one separate section with another could be dispensed with. His language of alternate methods of securing simply means that other ways of joining the separate sections together in an end to end fashion could be used, i.e. the sections could be secured together end to end in some way other than being press fit together using dowels. CHENEY NOWHERE SUGGESTS A TELESCOPIC CONNECTION BETWEEN THE SECTIONS.

In Desmond, an extensible pool cue can be locked in an extended position by twisting the sections relative to one another. This would not be desirable to do in a singles stick since twisting the top of the stick relative to the bottom, in order to engage the lock, might misalign the notch used to engage the net from the plane of the net. Moreover, it is desirable that the lock be usable to lock the singles stick in both its extended and collapsed positions without having to rotate the sections relative to one another. This is now emphasized in claim 1.

There is no proper combination of references that teach or suggest the amended claim 1. Accordingly, claim 1 and its dependent claims are allowable.

Amended Claim 11

Claim 11 has been amended as suggested by the Examiner to overcome the claim objections. In addition, claim 11 has been amended to change the phrase "the tennis court" to read "a tennis court" to fix an antecedent basis problem and to correct the spelling of the word solely.

Claim 11 has been amended to recite a lock that automatically engages when the telescopic sections are extended, i.e. the Fig. 5 embodiment. Thus, claim 11 now reads, inter alia, as follows:

"wherein the lock is responsive to movement of the telescopic sections with the lock being biased to automatically move into a locking engagement with the telescopic sections whenever the telescopic sections are placed in their extended position.

This means the user does not have to think, at least with respect to the Fig. 5 embodiment of the lock, of having to manually engage the lock. All the user does is to pull the telescopic sections apart and the lock automatically engages.

None of the prior art of record teaches such an automatically engaging lock. Accordingly, claim 11 as amended, and its dependent claims, are allowable.

Amended Claim 20

Claim 20 has been amended similarly to claim 11 to overcome the claim objections and any other 112 problems.

In all of the lock embodiments except for that of Fig. 6, the lock comprises vertically spaced holes, or sets of holes, which receive a locking pin. The base and staff are non-rotatable relative to one another. The holes and pin allow quick and easy locking of the base and staff in both the extended and collapsed positions thereof. This permits the singles stick to be locked in its extended position, as when the singles stick is being used, and to be locked in its collapsed position, as when the singles stick is being transported within a tennis bag.

Claim 20 has been amended to recite this. None of the references of record show the claimed lock, certainly not

Desmond which shows a twist lock and not Wheeler which has no lock for locking his device in the collapsed position. Accordingly, claim 20, as well as new claims 21-24 dependent therefrom, are allowable.

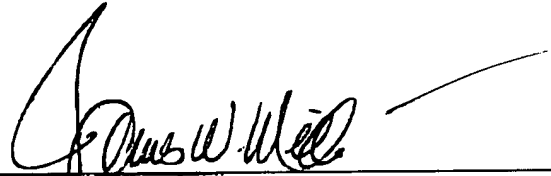
MPEP 2144.04 Section V

The Examiner's reference to the above-noted section of the MPEP has been reviewed, but there is nothing in that section which justifies rejection of the claims. This case does not fall under any heading of that section. Clearly, the Examiner must have some basis for a prima facie case of obviousness, and none of the precedents set forth in that section of the MPEP provide it. If there is a specific precedent the Examiner believes applies, then the Examiner must point to it and explain how that precedent applies here. The Examiner has not done so.

Conclusion

All of the claims remaining in this application are believed to clearly define over the prior art of record. Accordingly, prompt reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,



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Marked Up Version of Amended Claim 1

1. (Twice Amended) A singles stick for holding the top edge of a tennis net at its regulation height above the ground for singles play, which comprises:

(a) a base and a staff which are slidably connected to one another such that the base and staff can be extended between an extended position and a collapsed position by sliding the base and staff relative to one another, wherein the base and staff are non-rotatably connected to one another such that the base and staff can be slid relative to one another but cannot be rotated relative to one another, wherein the base and staff have a combined length in the extended position to properly position the tennis net for singles play when the singles stick is installed between the top edge of the net and the ground, and wherein the base and staff have a combined length in the collapsed position which is shorter than the combined length of the base and staff in the extended position [and which does not exceed approximately 30 inches]; and

(b) a lock for releasably [holding]fixing the base and staff together in both[at least] the extended and collapsed positions of the base and staff without rotating the base and staff relative to one another, wherein the lock when engaged in the extended position of the base and staff preventing the base and staff from collapsing relative to one another during use of the singles stick and when engaged in the collapsed position of the base and staff preventing the base and staff from extending relative to one another when the singles stick is not in use.

Marked Up Version of Amended Claim 6

6. (Once Amended) The singles stick of claim [5]1, wherein the lock comprises a locking pin that may be inserted through various ones of spaced holes.

Marked Up Version of Amended Claim 11

11. (Twice Amended) A singles stick for holding the top edge of a tennis net at its regulation height above the ground for singles play, [the tennis net comprising a top support cord] [or cable forming a top edge of the net, a mesh-like net fabric] [suspended from the top support cord or cable, wherein the top] [support cord or cable of the tennis net is strung under ten]-[sion between two end posts], which comprises:

(a) a plurality of telescopically received sections including at least one first, hollow section into which a second section is telescopically received such that the first and second sections can be extended between an extended orientation and a collapsed orientation by telescoping the first and second sections relative to one another[,];

(b) a lock for releasably holding the telescopic sections together in at least the extended position, wherein the lock is responsive to movement of the telescopic sections with the lock being biased to automatically move into a locking engagement with the telescopic sections whenever the telescopic sections are placed in their extended position; and

(c) wherein the combined length of the telescopic sections in the locked extended position thereof is sufficiently long to permit the telescopic sections to be wedged between [the]a top support cord or cable of [the]a tennis net with the telescopic sections being held in place [soley]solely by

downward force from the top support cord or cable forcing the telescopic sections into engagement with the ground, and wherein the telescopic sections can be wedged between the top support cord or cable and the ground at a location between a singles line and doubles line on one side of [the] a tennis court and when so wedged the combined length of the telescopic sections will raise the top support cord or cable of the tennis net by an amount required to provide a height that conforms to singles play rules.

Marked Up Version of Amended Claim 20

20. (Once Amended) A singles stick for holding the top edge of a tennis net at its regulation height above the ground for singles play, [the tennis net comprising a top support cord] [or cable forming a top edge of the net, a mesh-like net fabric] [suspended from the top support cord or cable, wherein the top] [support cord or cable of the tennis net is strung under ten]- [sion between two end posts], which comprises:

(a) a base and a staff which are slidably and telescopically connected to one another such that the base and staff can be extended between an extended position and a collapsed position by sliding the base and staff relative to one another, wherein the base and staff have mating non-circular cross-sectional configurations to prevent the base and staff from rotating relative to one another;

(b) a lock for releasably holding the base and staff together in both[at least] the extended and collapsed positions, the lock comprising first and second vertically spaced holes which receive a locking pin with the locking pin releasably holding the base and staff together in the extended and collapsed positions thereof depending upon which of the first and second vertically spaced holes receives the locking pin; and

(c) wherein the combined length of the base and staff in the locked extended position thereof is sufficiently long to permit the base and staff to be wedged between [the]a top support cord or cable of [the]a tennis net with the base and staff being held in place [soley]solely by downward force from the top support cord or cable forcing the base and staff into engagement with the ground, and wherein the base and staff can be wedged between the top support cord or cable and the ground at a location between a singles line and doubles line on one side of [the]a tennis court and when so wedged the combined length of the base and staff will raise the top support cord or cable of the tennis net by an amount required to provide a height that conforms to singles play rules.